

**In re: THE CALLIF CO.  
PACA Docket No. D-01-0013.  
Motion for Decision Without Hearing.  
Filed October 3, 2001.**

Ann Pames, for Complainant.  
Respondent, Pro se.

*Decision and Order issued by Dorothea A. Baker, Administrative Law Judge*

**Preliminary Statement**

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. §499a *et seq.*; hereinafter referred to as the "Act"), instituted by a complaint filed April 10, 2001, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture.

The complaint alleges that during the period July 1999 through May 2000, Respondent failed to make full payment promptly to 15 sellers in the total amount of \$496,207.28 for 473 lots of perishable agricultural commodities that it purchased, received and accepted in interstate commerce.

A copy of the complaint was served upon Respondent on May 29, 2001. This complaint has not been answered. The time for filing an answer having run, and upon motion of the Complainant for the issuance of a Default Order, the following Decision and Order shall be issued without further investigation or hearing pursuant to Section 1.139 of the Rules of Practice (7 C.F.R. §1.139).

**Findings of Fact**

1. The Callif Co., (hereinafter "Respondent"), is a corporation organized and existing under the laws of the State of Ohio. Its business mailing address is 4561 East 5th Avenue, Columbus, Ohio 43219.
2. At all times material to the allegations in the complaint, Respondent was licensed under the provisions of the PACA. License number 881195 was issued to Respondent on May 13, 1988. This license terminated on May 13, 2000, pursuant to Section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required annual renewal fee.
3. The Secretary has jurisdiction over Respondent and the subject matter involved herein.
4. As set forth in paragraph III of the complaint, during the period July 1999 through May 2000, Respondent purchased, received and accepted in interstate commerce 473 lots of perishable agricultural commodities from 15 sellers, but failed to make full payment promptly of the agreed purchase prices or balance

thereof in the total amount of \$496,207.28.

### **Conclusions**

Respondent's failure to make full payment promptly with respect to the transactions set forth in Finding of Fact No. 4 above, constitutes willful, flagrant, and repeated violations of Section 2(4) of the Act (7 U.S.C. § 499b(4)), for which the Order below is issued.

### **Order**

A finding is made that Respondent has committed willful, flagrant and repeated violations of Section 2(4) of the Act (7 U.S.C. § 499b(4)), and the facts and circumstances of the violations, set forth above, shall be published.

This order shall take effect on the eleventh day after this Decision becomes final.

Pursuant to the Rules of Practice governing procedures under the Act, this Decision will become final without further proceedings thirty-five days after service hereof, unless appealed to the Secretary by a party to the proceedings within thirty days after service as provided in Sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139 and 1.145).

Copies hereof shall be served upon the parties.

[This Decision and Order became effective December 3, 2001 – Editor]